

REMARKS

Claims 1 – 12 are pending in the application. Prior to this Amendment, the Examiner rejected claims 1 – 12 under 35 U.S.C. §103(a) as being unpatentable over Sainio et al. (U.S. Patent Application No. 2002/0178952) in view of Roustaei (U.S. Patent No. 6,123,261).

Applicants respectfully submit that the citation of Sainio et al. as part of the §103(a) rejection is improper. More particularly, Applicants submit that the subject matter in Sainio et al. is subject matter developed by another for the purposes of 35 U.S.C. §103(c) because the present application and Sainio et al. have different inventors. In addition, Applicants submit that the subject matter in Sainio et al. and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person, namely, Quad/Tech, Inc., of Sussex, Wisconsin. Accordingly, subject matter developed by Sainio et al. shall not preclude patentability pursuant to 35 U.S.C. §103(c). Pursuant to MPEP 706.02(I), the above is sufficient to disqualify the use of Sainio et al. in the §103(a) rejection.

Consequently, withdrawal of the 35 U.S.C. §103(a) rejection of claims 1 – 12 as being unpatentable over Sainio et al. in view of Roustaei is respectfully requested.

CONCLUSION

Allowance of the pending claims is respectfully requested.

Respectfully submitted,



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Docket No.: 077077-9143-01
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